



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2103

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Francis L. Daniel
Regional Director

STATE WATER CONTROL BOARD ENFORCEMENT ACTION

SPECIAL ORDER BY CONSENT

ISSUED TO

SECURITY STORAGE & VAN COMPANY OF NORFOLK, VIRGINIA, INC.

Registration No. VAR050357

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code §62.1-44.15(8a) and §62.1-44.15(8d), between the State Water Control Board and Security Storage & Van Company of Norfolk, Virginia, Inc., for the purpose of resolving certain violations of environmental law and/or regulations.

SECTION B: Definitions:

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Water Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and 62.1-44.7.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code §10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Special Order.
6. "Regulation" means 9 VAC 25-151-10 *et seq.* - the Virginia Pollutant Discharge Elimination System (VPDES) General Permit for Storm Water Discharges Associated with Industrial Activity.

7. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
8. "Permit" means VPDES General Permit No. VAR05 for Storm Water Discharges Associated with Industrial Activity, which became effective June 30, 1999, was reissued July 1, 2004 and expires on June 30, 2009.

SECTION C: Finding of Facts and Conclusions of Law

1. Security Storage & Van Company of Norfolk, Virginia, Inc. ("Security Storage") operates a facility at 5786 Sellger Drive, Norfolk, Virginia ("facility") that provides moving assistance services and storage of household items. Storm water discharges from the facility are subject to the Permit, which was effective July 1, 2004 and expires on June 30, 2009, through Registration No. VAR 050357. Storm water discharges from the facility were previously subject to the Permit through Registration No. VAR550104, which was issued August 12, 1999 and expired June 30, 2004.
2. Security Storage is required to develop and implement a facility Storm Water Pollution Prevention Plan ("SWP3") according to requirements outlined in Part III and Part IV.B (for Sector P) of the Permit.
3. Part III.A.1 of the Permit requires facilities that were covered by the 1999 Permit through registration that was to expire June 30, 2004, and were continuing coverage under the Permit after June 30, 2004, to have updated and implemented any revisions to the SWP3 not later than August 30, 2004.
4. Part I.A.1.a.(1) and (2) of the Permit and Part 6 of the SWP3 require Security Storage to perform and document quarterly visual examinations of storm water discharges from each of the twelve storm water outfalls identified in the SWP3 during a qualifying storm event [as defined by Part I.A.1.(a)(2) the Permit] and to document observations of color, odor, clarity, floating solids, settled solids, suspended solids, foam, oil sheen, and other obvious indicators of storm water pollution.
5. Part I.A.2.c. of the Permit requires Security Storage to include, along with monitoring results, in the documentation of quarterly visual examinations of storm water discharges discussed in paragraph 4 above, data of the storm events during which the visual examinations were performed.
6. On June 1, 2005 DEQ staff conducted a routine compliance inspection of the facility and noted deficiencies of facility inspections, employee training, quarterly reports of visual monitoring of storm water discharges, and an outdated SWP3, among other things. These deficiencies were referenced in Warning Letters issued to Security Storage on June 21, 2005 and August 18, 2005. Security Storage did not respond to either Warning Letter.
7. During a DEQ facility inspection on July 11, 2007 DEQ staff documented Permit compliance deficiencies, with respect to monitoring requirements, including the following:
 - a. The reports of the quarterly visual examinations of storm water quality did not document all the obvious indicators of storm water pollution (including color,

- odor, clarity, floating solids, settled solids, suspended solids, foam, and oil sheen) as required by Part I.A.1.a.(1) and (2) of the Permit and Part 6 of the SWP3.
- b. The reports of the quarterly visual examinations of storm water quality did not include the data of the storm events during which the visual examinations were performed as required by Part I.A.2.c of the Permit.
8. During a DEQ facility inspection on July 11, 2007 DEQ staff documented Permit compliance deficiencies, with respect to SWP3 requirements, including the following:
- a. The SWP3 had not been updated by August 30, 2004 as required by Part III.A.1 of the Permit.
 - b. The facility SWP3 site map did not include the locations of all storm water outfalls as required by Part III.B.2.c.(7) of the Permit.
 - c. All exposed areas of the facility were not being kept in a clean, orderly manner in order to minimize the contribution of pollutants to storm water discharges as required by Part III of the Permit and Part 5.2 of the SWP3.
 - d. The quarterly facility inspections to ensure compliance with best management practices and the SWP3 had not been performed for the 2nd Quarter 2006 or the 2nd Quarter 2007 as required by Part III of the Permit and Part 6 of the SWP3.
 - e. Facility employees had not been trained in the components and goals of the SWP3 as required by Part III of the Permit and Part 7.2 of the SWP3.
 - f. The SWP3 did not include a certification of non-storm water discharges as required by Part III.D.1. of the Permit.
 - g. The annual comprehensive site compliance evaluation required by Part III.E of the Permit and Part 6 of the SWP3 had not been performed.
9. Security Storage violated Permit conditions Part I.A.1.a.(1) and (2) and Part I.A.2.c as noted in paragraph C.7 of this Order.
10. Security Storage violated Permit conditions Part III, Part III.A.1, Part III.B.2.c.(7), Part III.D.1, and Part III.E as noted in paragraph C.8 of this Order.
11. On August 13, 2007, DEQ issued Notice of Violation ("NOV") W2007-07-T-0003 to Security Storage. The NOV advised Security Storage of the violations of Permit conditions Part I.A.1.a.(1) and (2), Part I.A.2.c., Part III.A.1., Part III.B.2.c.(7), Part III.B.6.b.(1) (a), (e) and (f), Part III.D.1., and Part III.E. and SWP3 conditions Part 5.2, Part 6 and Part 7.2 revealed during the inspection conducted by DEQ staff on July 11, 2007.
12. Security Storage responded by letter dated September 6, 2007 to the effect that it had cleaned up all the trash and debris observed at the time of the inspection; that it had hired an employee whose sole responsibility is facility cleanliness; that it was now conducting employee training; and that management responsibilities for updating and

implementing the SWP3 were now more clearly defined. Included with the letter were a revised site map and a certification of non-storm water discharges.

13. Security Storage responded further by electronic mail on October 8, 2007 forwarding to DEQ a site map with additional revisions.

SECTION D: Agreement and Order

Accordingly the State Water Control Board by virtue of the authority granted it by Va. Code § 62.1-44.15(8a) and (8d), orders Security Storage, and Security Storage agrees to perform the actions described in Appendix A of this Order. In addition, the Board orders Security Storage, and Security Storage voluntarily agrees to pay a civil charge of \$5,355 within 30 days of the effective date of this Order, in settlement of the violations cited in this Order. The payment shall include Security Storage's Federal Identification Number and shall reference that payment is being made as a requirement of this Order. Payment shall be made by check, payable to the Treasurer of Virginia, delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Security Storage, for good cause shown by Security Storage, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the above referenced Notice of Violation. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Security Storage admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Security Storage consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Security Storage declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2 - 4000 *et seq.*, and the State Water Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.

6. Failure by Security Storage to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Security Storage shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other act of God, war, strike, or such other occurrence. Security Storage shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Security Storage shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
 - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Security Storage intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Security Storage. Notwithstanding the foregoing, Security Storage agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Security Storage. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Security Storage from its obligation to comply with any statute, regulation, Permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. By its signature below, Security Storage voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 11th day of April, 2008.

Francis L. Daniel
Francis L. Daniel

Security Storage & Van Company of Norfolk, Virginia, Inc., voluntarily agrees to the issuance of this Order.

By: [Signature]

Date: 11-30-07

Commonwealth of Virginia
City/County of Norfolk

The foregoing document was signed and acknowledged before me this 30th day of November, 2007, by Henry P. Aspinwall, who is
(name)

President of Security Storage & Van Company of Norfolk, Virginia, Inc. on behalf of
(title)
Security Storage

Larry Beth Boomer
Notary Public

My commission expires: January 31, 2010



OFFICIAL SEAL
LARRY BETH BOOMER
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
Comm. Expires: January 31, 2010
ID # 7010303

APPENDIX A

Security Storage shall:

1. Within 30 days of the effective date of this Order submit to DEQ Tidewater Regional Office, certification of training of staff who are responsible for implementing activities identified in the SWP3 or otherwise responsible for storm water management. Training shall include guidance on spill response, good housekeeping and material management practices.
2. Within 30 days of the effective date of this Order submit to DEQ Tidewater Regional Office, the reports of all facility inspections conducted since July 11, 2007 by or on behalf of Security Storage to ensure compliance with the SWP3 and the Permit.
3. Within 90 days of the effective date of this Order submit to DEQ Tidewater Regional Office an updated SWP3 that contains all elements required by Part III and Part IV.B (for Sector P) of the Permit.
4. Comply with all conditions of the Permit.
5. Mail all submittals and reports required by this Appendix A to:

Mr. Francis L. Daniel, Regional Director
DEQ, Tidewater Regional Office
5636 Southern Blvd.
Virginia Beach, VA 23462